

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**SESSION LAW 2011-198  
SENATE BILL 378**

**AN ACT TO DIRECT THE INTERAGENCY GROUP TO ESTABLISH AGRONOMIC  
RATES FOR ENERGY CROPS FOR UTILIZATION BY BIOFUELS FACILITIES.**

Whereas, in 2007, as directed by the General Assembly, the North Carolina's Strategic Plan for Biofuels Leadership established a goal that by 2017, ten percent (10%) of liquid fuels sold in North Carolina will come from biofuels grown and produced within the State; and

Whereas, the identification and development of reliable and cost-effective feedstocks to service biofuels facilities is imperative to the development of the biofuels industry in North Carolina; and

Whereas, North Carolina is one of the leading pork producing states in the nation, and the swine industry is a significant component of North Carolina's agricultural sector; and

Whereas, the lands utilized for swine waste application in North Carolina represent a potential opportunity for the planting and growing of energy crops; and

Whereas, appropriate levels of animal waste application and proper agronomic rates of crops must be established to ensure environmental compliance and to protect water quality; and

Whereas, in 1995, the General Assembly through the passage of Session Law 1995-626 (Senate Bill 1217) established an Interagency Group to provide uniform interpretations to technical specialists regarding the requirements of the animal waste management rules; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Interagency Group established by Section 18(b) of Chapter 626 of the Session Laws of 1995 shall establish agronomic rates to ensure proper application levels of animal waste for the following energy crops: miscanthus, switchgrass, fiber sorghum, sweet sorghum, and giant reed. The Interagency Group shall establish interim agronomic rates no later than July 1, 2011, and final agronomic rates no later than December 1, 2014.

**SECTION 1.(b)** In developing the agronomic rates, the Interagency Group may consider nutrient data from research trials, peer-reviewed publications, current studies, and any other information it deems appropriate. The agronomic rates shall ensure that land application of swine waste at the proposed rate will not cause or contribute to a violation of groundwater standards. The Interagency Group may seek the assistance and expertise of any other entity and with other State agencies with respect to their areas of responsibility regarding agronomic rates. All agencies of the State of North Carolina shall cooperate with the Interagency Group and, upon request, shall assist the Interagency Group in fulfilling its responsibilities.

**SECTION 1.(c)** The Interagency Group shall publish the interim agronomic rates and any accompanying guidance for the use of technical specialists no later than July 1, 2011. The Interagency Group shall publish the final agronomic rates and any accompanying guidance for the use of technical specialists no later than December 1, 2014.



**SECTION 1.(d)** No later than July 1, 2011, the Interagency Group shall submit a report on the development and publication of the interim agronomic rates to the Environmental Review Commission; the Commissioner of Agriculture; and the chairs of the Joint Regulatory Reform Committee, the House Agriculture Committee, the House Environment Committee, and the Senate Agriculture/Environment/Natural Resources Committee. No later than December 1, 2014, the Interagency Group shall submit a report on the development and publication of the final agronomic rates to the Environmental Review Commission; the Commissioner of Agriculture; and the chairs of the Joint Regulatory Reform Committee, the House Agriculture Committee, the House Environment Committee, and the Senate Agriculture/Environment/Natural Resources Committee.

**SECTION 2.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 14<sup>th</sup> day of June, 2011.

s/ Walter H. Dalton  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 11:40 a.m. this 23<sup>rd</sup> day of June, 2011